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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,345	08/05/2003	Douglas A. Gourlay	CIS03-32(7462)	6747
22468 7590 06/19/2007 CHAPIN & HUANG L.L.C. WESTBOROUGH OFFICE PARK 1700 WEST PARK DRIVE WESTBOROUGH, MA 01581			EXAMINER WEINTROP, ADAM S	
			ART UNIT 2145	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/634,345

Applicant(s)

GOURLAY ET AL.

Examiner

Adam S. Weintrop

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/10/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. **Claims 1-27** are objected to because of the following informalities:

Regarding **claims 1, 14, 26, and 27**, the phrases "the retrieved configuration profile" on lines 17, 14, 5, and 21, respectively, is unclear. The phrase should be replaced with --the retrieved one of multiple configuration profiles-- to enhance the clarity of the claim.

Regarding **claims 2-13**, the phrases "A method" on claim lines 1 should be replaced with --The method-- to improve the clarity of the claims.

Regarding **claim 2**, the phrase "a communications protocol associated with a remote device" on lines 20-21 should be replaced with --the communication protocol associated with the remote device-- to improve the clarity of the claim.

Regarding **claim 3**, the phrase "a remote device on a given communication port" on lines 25-26 should be replaced with --the remote device on the given communication port -- to improve the clarity of the claim.

Regarding **claim 5**, the phrase "storing the at least one updated configuration profile" on lines 8-9 should be replaced with --storing at least one of the updated configuration profiles-- to improve the clarity of the claim language.

Regarding **claim 7**, the term "an attribute" on line 17 should be replaced with --the attribute-- to improve the clarity of the claim.

Regarding **claim 8**, the terms "an attribute" on lines 25 and 26 should be replaced with --the attribute-- to improve the clarity of the claim.

Regarding **claim 9**, the term "an attribute" on line 1 should be replaced with --the attribute-- to improve the clarity of the claim.

Regarding **claim 12**, the term "a configuration profile" on lines 22-23 should be replaced with --the configuration profile-- to improve the clarity of the claims.

Regarding **claim 13**, the term "a remote device" on lines 26-27 should be replaced with --the remote device-- to improve the clarity of the claim--.

Regarding **claims 15-25**, the terms "A data communication device" on all claim lines 1 should be replaced with --The data communication device-- to improve the clarity of the claims.

Regarding **claim 18**, the phrase "obtains the at least one updated configuration profile" on lines 4-5 should be replaced with --obtains at least one of the updated configuration profiles-- to improve the clarity of the claim language.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-2, 5-15, and 18-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Elo et al. (US 7,174,371).

Regarding **claims 1, 14, 26, and 27**, Elo et al. anticipates:

In a data communication device including multiple communication ports (FIGURE, Item 21), at least one processor device as required by claim 14 (Abstract, where network equipment with a configurable port is seen as a processor device), a method of configuring at least one of the communication ports, the method comprising, or a computer program product including a computer-readable medium having instructions stored thereon for processing data information, such that the instructions, when carried out by a processing device, enable the processing device to perform steps of, as required by claim 27 (Abstract, where the database and server interactions process data and instruct the network equipment to perform configurations of the port):  
monitoring a communications protocol associated with a remote device on a given communication port of the data communication device without participating in the communications protocol (column 8, lines 17-20, where the ASR unit snoops the communication, thus monitors the communications without participating in it);

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based on the monitored communications, detecting an attribute of the remote device (column 8, lines 20-23, where the ASR detects the MAC address and port ID of the end device);

in response to detecting the attribute of the remote device, retrieving one of multiple configuration profiles corresponding to the attribute of the remote device (column 8, lines 24-26 and column 8, lines 54-61, where the database is searched for applicable port settings by searching through templates); and

configuring the given communication port of the data communication device with the retrieved configuration profile to support future communications with the remote device (column 8, lines 58-65, with the port settings loaded into the ASR port and allows future communications).

Regarding **claims 2 and 15**, Elo et al. anticipates:

A method as in claim 1 or the device as in claim 14, wherein monitoring a communications protocol associated with a remote device includes:

monitoring for at least one of multiple communications protocols potentially associated with the remote device (column 8, lines 23-31 and column 7, lines 48-56, with the ASR monitoring the communication for the DHCP extensions and these extensions can be any parameter setting the remote device requires).

Regarding **claims 5 and 18**, Elo et al. anticipates:

A method as in claim 1 or the device of claim 14, further comprising:  
polling a network node for updated configuration profiles (column 8, lines 54-58, where the ASR connects to the database for configuration profiles, seen as updated since they are new to the device if the device is requesting the parameters); and  
in response to polling, storing the at least one updated configuration profile from the network node to local memory of the data communication device (column 8, lines 58-61, where the configuration is sent to the ASR, and this is seen as storing it in the local memory of the ASR).

Regarding **claims 6 and 19**, Elo et al. anticipates:

A method as in claim 1 or the device of claim 14, further comprising:  
receiving a message at the data communication device from a network node indicating availability of updated configuration profiles (column 8, lines 58-61, with the ASR receiving the configuration, and this is seen as a message that indicates availability of an updated configuration); and  
receiving the updated configuration profiles from the network node to local memory of the data communication device (column 8, lines 58-61, where the configuration is sent to the ASR, and this is seen as receiving it in the local memory of the ASR).

Regarding **claims 7 and 20**, Elo et al. anticipates:

A method as in claim 1 or the device of claim 14, wherein detecting an attribute of the remote device includes:

determining a network address associated with the remote device (column 8, lines 20-23, where the MAC address is identified, seen as a network address); identifying a particular type associated with the remote device (column 8, lines 27-31, where the services requested by the end device can determine the type of parameters required); and

Wherein retrieving one of multiple configuration profiles includes retrieving a configuration profile depending on the identified particular type of remote device (column 8, lines 48-51, where the templates are retrieved based on the end user services, which are seen as identifying the type of device since each device type can request different services as noted in column 7, lines 48-56).

Regarding **claims 8 and 21**, Elo et al. anticipates:

A method as in claim 7 or the device of claim 20, wherein detecting an attribute of the remote device indicating its type includes detecting an attribute based on at least one of: 802.1x user authentication, CDP (Cisco Discovery Protocol), MAC address/mask assignment, IP address assignment, DHCP (Dynamic Host



Configuration Protocol) response, ACL (Access Control Lists), and hardware and software associated with the remote device (column 8, lines 48-61, where the DHCP response from the server is intercepted in order to further detect what configuration to use, therefore detect its type).

Regarding **claims 9 and 22**, Elo et al. anticipates:

A method as in claim 1 or the device of claim 14, wherein detecting an attribute of the remote device includes:

detecting a change in a network address associated with the remote device (column 8, lines 17-18, where the user request a new address, therefore it is a change, and this begins the detecting process of detecting attributes of the end device).

Regarding **claim 10**, Elo et al. anticipates:

A method as in claim 1, wherein retrieving one of multiple configuration profiles includes retrieving one of multiple configuration profiles that includes information indicating how to set at least one parameter of the given communication port to support future communications with the remote device (column 8, lines 58-61 and column 7, lines 52-56, with the port settings configuring the port with certain parameters).

Regarding **claims 11 and 23**, Elo et al. anticipates:

A method as in claim 10 or the device of claim 14, wherein configuring the given communication port of the data communication device with the retrieved configuration profile includes setting the given port of the data communication device based on at least one of the following parameter types: protocol type, LACP (Link Aggregation Control Protocol), security policies, security parameters, access control lists, UDLD (Uni-Directional Link Detection), Etherchannel, Spanning Tree, VLANs (Virtual Local Area Networks), routing protocols, and QoS (Quality of Service) (column 10, lines 45-55, with access control lists being part of the configuration parameters).

Regarding **claims 12 and 24**, Elo et al. anticipates:

A method as in claim 1 or the device of claim 14, further comprising:  
storing the multiple configuration profiles at a network node accessible to the data communications device over a network link (column 8, lines 24-26, with the central database, seen as the network node, is connected to the DHCP server to store the templates of configuration parameters); and  
wherein retrieving a configuration profile includes obtaining a configuration profile from the network node accessible to the data communication device (column 8,

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lines 58-61, where the database is seen as the network node and it sends parameters to the ASR and its ports).

Regarding **claims 13 and 25**, Elo et al. anticipates:

A method as in claim 1 or the device of claim 14, wherein monitoring

communications associated with a remote device includes:

applying multiple attribute discovery mechanisms to identify a corresponding configuration profile to configure the communication port associated with the remote device (column 8, lines 20-23, where the port ID and MAC address are detected, seen as multiple attributes, and they are used to determine the port configuration).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 3 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elo et al. (US 7,174,371) in view of Lewis et al. (US 6,243,747).

Regarding **claims 3 and 16**, Elo et al. discloses all of the limitations as described above except for monitoring the initial communications with the remote device upon coupling a remote device to the data communications device via the given port. The general concept of monitoring end devices upon initial connection to the port for configuration purposes is well known in the art as illustrated by Lewis et al. Lewis et al. teaches that configuration of device can be triggered by the addition of a device to a network (column 15, lines 38-45) and that once the trigger is activated; a configuration load of the device is performed (column 16, lines 4-15). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Elo et al. with loading configurations based upon the addition of a device as taught by Lewis et al. in order to speed up the process of configuring any new devices to work with the ports as configuring new devices is time consuming as noted in Lewis et al.'s disclosure in column 2, lines 5-7.

6. **Claims 4 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elo et al. (US 7,173,371) in view of Motoyama (US 6,801,331).

Regarding **claims 4 and 17**, Elo et al. discloses all of the limitations as described above except for using a default configuration profile after a search for a specific profile does not return any results. The general concept of using a default configuration profile to configure a device after searching a database for results is well known in the art as illustrated by Motoyama. Motoyama teaches that an incoming communication is parsed for a protocol identifier (column 7, lines 29-33)

and the database is searched based on this identifier for matching profiles (column 7, lines 54-57). However, if the protocol identifier is not found in the incoming communication, a predefined configuration is used that matches the communication format (column 9, lines 49-62). This predefined format is seen as a default format since it is already preset in the database and is not identified by a specific identifier. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Elo et al. with using a default configuration profile as taught by Motoyama in order to communicate with the end devices even when the specific format is unknown as to increase the compatibility of the system by not needing a specific model for each end device communicated with as noted in Motoyama's disclosure in column 1, lines 32-40.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

RFC 1987 Ipsilon's General Switch Management Protocol Specification (Newman et al.) describes the communication involved with configuring a network switch and its ports.

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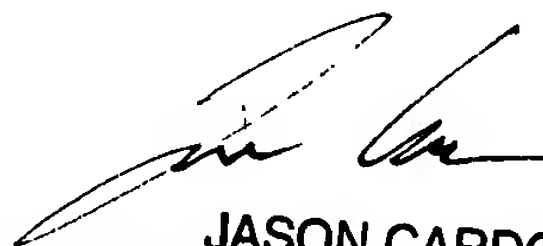
"Port Based VLAN User's Guide" describes setting up a VLAN by configuring certain ports to correspond to different terminal devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam S. Weintrop whose telephone number is 571-270-1604. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AW 5/31/07

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER